

US SDG 15 PM 4:02
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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16 Bank of America, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

By Fax

20 TIMOTHY L. FRANKLIN, individually, and on) CASE NO. 3:05-CV-00519-CRB
behalf of all others similarly situated,
21)
22 Plaintiff,)
23 vs.)
24 BANK OF AMERICA, N.A. and DOES 1)
through 50, inclusive,)
25 Defendant.)
26)
27)
28)

STIPULATION AND [PROPOSED] ORDER
TAKING PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION OFF-CALENDAR

1 Plaintiff, TIMOTHY L. FRANKLIN, by and through his counsel, Dostart Clapp &
2 Coveney, LLP, and defendant, BANK OF AMERICA, N.A., by and through its counsel, Paul, Hastings,
3 Janofsky & Walker LLP, hereby stipulate as follows:

4 WHEREAS, plaintiff's motion for class certification is set for hearing on September 2,
5 2005 at 10:00 a.m.;

6 WHEREAS, the parties have reached a settlement in the above-captioned matter, and the
7 parties will be filing their motion for preliminary approval of the settlement in the near future;


8 NOW THEREFORE, the parties hereby stipulate as follows:

9 1. Plaintiff's motion for class certification is hereby taken off-calendar.

10
11 IT IS SO STIPULATED:

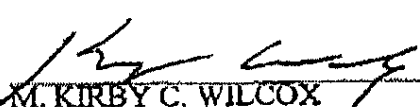
12
13 Dated: August 10, 2005

DOSTART CLAPP & COVENEY, LLP

14
15 
16 JAMES F. CLAPP
Attorney for Plaintiff

17 Dated: August 15, 2005

PAUL, HASTINGS, JANOFSKY & WALKER LLP

18
19 
20 M. KIRBY C. WILCOX
21 ANNETTE GAMMON
SAIDAH GRAYSON
Attorneys for Defendant

22 IT IS SO ORDERED.

23 Dated: August 16, 2005

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25 
26 HON. CHARLES R. BREYER
27 Judge of the Superior Court
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